

4. Lodsys admits that this Court has personal jurisdiction over Lodsys. The remaining legal or other conclusions in paragraph 34 do not require a response. To the extent a response is required, Lodsys denies the remaining allegations in paragraph 34.

COUNT ONE

5. Paragraph 35 contains legal or other conclusions that do not require a response. To the extent a response is required, Lodsys denies the allegations in paragraph 35.

6. Paragraph 36 contains legal or other conclusions that do not require a response. To the extent a response is required, Lodsys denies the allegations in paragraph 36.

7. Lodsys denies the allegations in paragraph 37.

COUNT TWO

8. Lodsys restates and incorporates by reference each of its responses to the allegations in paragraphs 31 through 37 of Best Buy's Counterclaims, as if fully set forth herein.

9. Paragraph 39 contains legal or other conclusions that do not require a response. To the extent a response is required, Lodsys denies the allegations in paragraph 39.

10. Paragraph 40 contains legal or other conclusions that do not require a response. To the extent a response is required, Lodsys denies the allegations in paragraph 40.

11. Lodsys denies the allegations in paragraph 41.

RESPONSE TO BEST BUY'S REQUESTS FOR RELIEF

Lodsys denies that Best Buy is entitled to any of the relief requested in Best Buy's Prayer For Relief.

LODSYS'S PRAYER FOR RELIEF

WHEREFORE, in addition to the relief requested in its Complaint, Lodsys respectfully requests entry of a judgment in its favor and against Best Buy as follows:

- A. That Best Buy take nothing by its Counterclaims;
- B. That the Court award Lodsys all costs and attorneys' fees incurred in defending against Best Buy's Counterclaims; and
- C. Any and all further relief that the Court deems just and proper.

Dated: October 24, 2011.

Respectfully Submitted,

By: /s/ Christopher M. Huck
Michael A. Goldfarb
(admitted *pro hac vice*)
Christopher M. Huck
(admitted *pro hac vice*)
KELLEY, DONION, GILL,
HUCK & GOLDFARB, PLLC
701 Fifth Avenue, Suite 6800
Seattle, Washington 98104
Phone: (206) 452-0260
Fax: (206) 397-3062
Email: goldfarb@kdg-law.com
huck@kdg-law.com

William E. "Bo" Davis, III
Texas State Bar No. 24047416
THE DAVIS FIRM, PC
111 West Tyler Street
Longview, Texas 75601
Phone: (903) 230-9090
Fax: (903) 230-9090
Email: bdavis@bdavisfirm.com

Attorneys for Plaintiff Lodsys, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this response was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(V). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 24th day of October 2011.

By: /s/ Christopher M. Huck
Christopher M. Huck